

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANDRE D. ABRON,)	
)	
Plaintiff,)	
)	Case No. 08 CV 1955
)	
SOO LINE RAILROAD COMPANY d/b/a)	Judge Gettleman
CANADIAN PACIFIC RAILROAD,)	
)	Magistrate Judge Schenkier
Defendant.)	

JOINT STATUS REPORT AND PROPOSED DISCOVERY PLAN

Plaintiff, ANDRE D. ABRON ("Plaintiff") and Defendant, SOO LINE RAILROAD COMPNAY d/b/a CANADIAN PACIFIC RAILROAD, ("Defendant"), by and through their respective attorneys of record, hereby submit the following Status Report. Plaintiff and Defendant are hereinafter collectively referred to as the "Parties."

A. STATUS HEARING

Date: July 10, 2008

Time: 9:00 a.m.

B. ATTORNEYS

1. Plaintiff's Counsel: Michael T. Smith, Law Offices of Michael T. Smith
(Trial Counsel)
2. Defendant's Counsel: Amy Walsh Kern, of Leonard, Street and Deinard
(Trial Counsel) Daniel L. Palmquist,

C. BASIS FOR FEDERAL COURT JURISDICTION

Jurisdiction of this action is conferred upon by the Court by Title I of the Americans with Disabilities Act of 1990 (29 USCA. § 12117 (a) and Title VII of the Civil Rights Act of 1964 as amended by inter alia, the Civil Rights Act of 1991 (USCA ¶ 2000 (e).

D. JURY REQUEST

Plaintiff has requested a jury.

E. NATURE OF THE CASE

Plaintiff is a former employee of Defendant. Plaintiff alleges that Defendant discriminated against him on the basis of his disability and race terminated him employment in violation of the American with Disabilities Act (ADA) and Title VII of the Civil Rights Act (ACT). Defendant denies that it discriminated against Plaintiff and further denies that it is liable to Plaintiff in any way.

1. Major Factual And Legal Issues in Agreement:

- a. Plaintiff was employed by Defendant.
- b. Plaintiff was hired by Defendant on November 20, 2004.
- c. Defendant is an employer covered by ADA.
- d. Plaintiff is a African-American Black.
- e. Defendant is an employer covered by the ACT.
- f. Plaintiff's employment was terminated on February 8, 2007.
- g. Plaintiff was 47-years-old at time of termination.

2. Maior Factual and Legal Issues in Dispute:

- a. Whether Plaintiff timely filed his administrative claim with the EEOC.
- b. Whether Plaintiff timely filed this lawsuit.
- c. Whether Plaintiff was adequately performing his job at the time of his termination.
- d. Plaintiff was disabled due to a drug addiction
- e. The circumstances and reasons for Plaintiff's discharge from Defendant.

- f. Whether Defendant discriminated against Plaintiff on the basis of his disability and/or race or retaliated against him for his prior EEOC complaints.
- g. Whether the scope of Plaintiff's claims exceeds the scope of his EEOC charge.
- h. The nature and extent of Plaintiff's damages, if any.
- i. Whether Plaintiff reasonably mitigated his damages, if any.

F. RELIEF SOUGHT

Plaintiff seeks damages, reinstatement or front pay, statutory liquidated damages, Attorney's fees and costs. Defendant seeks its costs in defending this matter.

G. SERVICE OF PROCESS

All parties have been served and have appeared.

H. ANTICIPATED MOTIONS

Defendant anticipates filing a motion for summary judgment and possibly discovery motions, if necessary. Plaintiff does not anticipate filing motions at this time. The Parties propose a deadline of February 1, 2009 for Defendant to file a motion for summary judgment or any other dispositive motion.

I. DISCOVERY PLAN

Pursuant to this Court's Order, Federal Rule of Civil Procedure Rule 26(a) regarding initial disclosures is not applicable to this case. No discovery has been taken to date. Defendants intend to depose Plaintiff and possibly others. Plaintiff will identify those witnesses he intends to depose upon the completion of certain written discovery. In addition, the Parties anticipate propounding requests for documents, interrogatories and requests for admissions. The Parties propose the following limits on non-expert discovery:

Non-Expert Depositions: 10 per party at a maximum of seven hours per deposition. The seven hour limitation will not apply to Plaintiff's deposition or the deposition of Plaintiff's former supervisor.

Document Requests: 35

Interrogatories: 35

Requests for Admissions: 25

The Parties propose a deadline to complete all non-expert discovery by October 1, 2008. The Parties further propose the following deadlines regarding expert discovery:

November 3, 2008: Disclose expert witnesses and exchange expert reports.

January 2, 2009: Complete expert depositions.

February 2, 2009: Disclose rebuttal expert witnesses, if any.

March 2, 2009: Complete rebuttal expert depositions, if any.

J. TRIAL

The earliest date that counsel and the Parties would be available for trial is April 15, 2009. The Parties request that the trial date be set at the Rule 16 conference. The Parties estimate that trial will last approximately four Court days.

K. SETTLEMENT DISCUSSIONS

There have been no settlement discussions to date, and the Parties do not anticipate pursuing settlement discussions until further discovery has been conducted. The Parties do not believe that a settlement conference with the Court would be useful at this time.

L. MAGISTRATE JUDGE

The Parties do not consent to trial before a magistrate judge.

Dated: July 7, 2008

Respectfully submitted,
ANDRE D. ABRON

By: /s/ Michael T. Smith
Plaintiff's Attorney

Soo Line Railroad Company
d/b/a Canadian Pacific Railroad

/s/ Maureen A. McGuire
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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANDRE D. ABRON,

Plaintiff,

v.

Case Number: 08 CV 01955

**SOO LINE RAILROAD COMPANY
d/b/a CANADIAN PACIFIC RAILROAD,**

Defendant.

NOTICE OF FILING

TO: Michael T. Smith
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440 West Irving Park Road
Roselle, IL 60172
E-Mail: msmith39950@aol.com

You are hereby notified that on Monday, July 07, 2008, we have filed with the Clerk of the Court, via electronic service, the foregoing **JOINT STATUS REPORT AND PROPOSED DISCOVERY PLAN**, a copy of which is herewith served upon you.

Respectfully Submitted,
MacCabe & McGuire

By: /s/ Maureen A. McGuire
Maureen A. McGuire
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